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*Attorneys for Defendants Billings Clinic
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

W.V.G., a minor, by his father,
guardian, and next friend, William V.
Graham III,

Plaintiff,

-vs-

BILLINGS CLINIC and MAUREEN
C. LUCAS, M.D.,

Defendants.

Cause No. 17-1-BLG-SPW-TJC

**DEFENDANTS' ANSWER AND
DEMAND FOR JURY TRIAL**

Defendants Billings Clinic and Maureen C. Lucas, M.D. ("Defendants"), by
and through their attorneys of record, submit their Answer to Plaintiff's Complaint
and Demand for Jury Trial, and state as follows:

1. Defendants are without sufficient information to admit or deny the allegation in paragraph 1, and therefore deny the same.

2. Defendant Billings Clinic denies the allegations in paragraph 2. Billings Clinic avers that it is a non-profit corporation formed under the laws of Montana, that its principal place of business is in Billings, Yellowstone County, Montana, that it provides healthcare services to patients in Billings, and that it is a Montana citizen for the purpose of determining diversity jurisdiction in this Court.

3. Defendant Maureen C. Lucas, M.D., admits the allegations in paragraph 3.

4. Answering paragraph 4, Defendants are without sufficient information to admit or deny that Plaintiff is a citizen of the state of Washington; Defendants admit that they are Montana citizens; Defendants admit that Plaintiff seeks damages exceeding \$75,000.

5. Answering paragraph 5, Defendant Billings Clinic admits that it provides prenatal and obstetrical care in a clinical setting, and that it provides obstetrical, labor and delivery, and pediatric care and treatment in a hospital setting. Defendant Billings Clinic admits that Maureen C. Lucas, M.D., at the time in question, was acting in the course and scope of her employment with Defendant Billings Clinic. Defendant Billings Clinic avers that its employees and agents (including Dr. Lucas) met all applicable standards of care in their treatment of

Plaintiff and Plaintiff's mother, and that Billings Clinic is therefore not liable for the damages Plaintiff seeks in this action. Except as stated, Defendant Billings Clinic denies the allegations in paragraph 5.

6. Answering the allegations of paragraph 6, Defendants admit that Plaintiff's mother was admitted to Billings Clinic at 10:09 a.m. on September 23, 2007. Defendants admit that defendant Maureen C. Lucas, M.D., cared for Plaintiff's mother and was the attending physician through the time Plaintiff was delivered. Defendants aver that Maureen C. Lucas, M.D., met all applicable standards of care in her treatment of Plaintiff and Plaintiff's mother. Except as stated, Defendants deny the allegations in paragraph 6.

7. Defendants admit the allegations in paragraph 7.

8. Defendants deny the allegations in paragraph 8.

9. Defendants deny the allegations in paragraph 9.

10. Defendants deny the allegations in paragraph 10.

11. Defendants deny the allegations in paragraph 11.

12. Answering paragraph 12, Defendants admit the statutorily required review process has been completed.

13. Defendants deny all allegations not specifically admitted herein.

AFFIRMATIVE DEFENSES

First Defense

14. Defendants have a right to set off such sums as Plaintiff has received from or on behalf of other persons or entities against sums recovered by Plaintiff from Defendants, if any.

Second Defense

15. Any award of past and future non-economic damages is limited as set forth in Mont. Code Ann. § 25-9-411.

Third Defense

16. Any award of future damages of \$50,000 or more is subject to Mont. Code Ann. § 25-9-412.

WHEREFORE, having answered Plaintiff's Complaint, Defendants pray that Plaintiff's Complaint be dismissed with prejudice, that Plaintiff takes nothing thereby, that Defendants recover their costs incurred herein, and for such other relief as the Court deems just and proper.

JURY DEMAND

Defendants hereby demand a jury trial.

DATED this 21st day of February, 2017.

SPEARE LAW FIRM, P.C.

By /s/ George T. Kimmet

*Attorneys for Defendants Billings
Clinic and Maureen C. Lucas, M.D.*

CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of February, 2017, a copy of the foregoing document was served on the following persons by the following means:

1, 2 CM/ECF
 Hand Delivery
 U.S. Mail
 Overnight Delivery Service
 Fax
 Email

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